

REMARKS

STATUS OF CLAIMS

In response to the Office Action dated March 17, 2009, claims 8 and 10 have been amended. Claims 1-6, 8 and 10 are now pending in this application.

OBJECTION TO THE CLAIMS

Claim 8 is objected to because of the terms “image sending device” and “second communication” and claim 10 is objected to because of the terms “image sending device” and “an external device”.

These objections are respectfully traversed. Applicant has amended claim 8 to recite “the image sending apparatus” and “the second communication mode”, and claim 10 to recite “the image sending apparatus”. Applicant has also amended claim 10 to replace the “external device” by the “image receiving apparatus according to claim 8”.

Accordingly, Applicant respectfully requests that the claim objections be reconsidered and withdrawn.

ALLOWABLE SUBJECT MATTER

Applicant would like to thank the Examiner for allowing claims 1-6.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

The Examiner rejected claims 8 and 10 under 35 U.S.C. § 102(b) as being anticipated by US 5,778,053 (“Skarbo et al.”).

This rejection is respectfully traversed.

Applicant has amended claim 8 to recite that the mode switch control device controls the mode of the image sending apparatus based on checking that there has been the transfer instruction of the image selected by an image selecting device from a transfer instruction device of the image sending apparatus. A similar feature is recited in claim 1 and is discussed by the Examiner as being a reason for allowance of claim 1 (on page 9 of the Office Action).

Applicant has also amended claim 10 to recite the image receiving apparatus according to claim 8. Thus, claim 10 now depends from claim 8.

As acknowledged by Examiner in the section on Allowable Subject Matter, Skarbo et al. does not disclose a mode switch control device which controls the mode of the image sending apparatus based on checking that there has been the transfer instruction of the image selected by an image selecting device from a transfer instruction device of the image sending apparatus, as currently recited in claim 8.

Therefore, Skarbo et al. fails to teach all of the elements for amended claim 8.

For all of the above reasons, taken alone or in combination, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 102 (b) rejection of claim 8. Claim 10 depends from claim 8 and is allowable at least by virtue of its dependency.

CONCLUSION

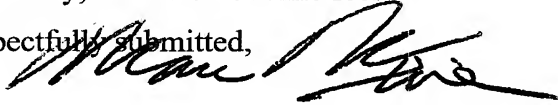
In view of the above amendment, applicant believes the pending claims are in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Corina E. Tanasa (Reg. No. 64,042) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: June 17, 2009

Respectfully submitted,



By _____

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